

03-1230 AMERICAN TRUCKING ASS'NS, INC., ET AL. V. MI PUBLIC SERVICE COMM'N, ET AL.

DECISION BELOW: 662 N.W.2D 784 (2003)

QUESTION PRESENTED

~~Whether an unapportioned flat tax like Michigan's can be spared from invalidation under the Commerce Clause on the ground that it is used to pay for regulatory activities and/or because the taxpayer did not adduce evidence quantifying the discriminatory effect of the tax on interstate commerce.~~

Cert. Granted 1/14/05

~~Limited to the following question: "Whether the \$100 fee upon vehicles conducting intrastate operations violates the Commerce Clause of the United States Constitution."~~

Amended Order entered 1/21/05 consolidating 03-1230 and 03-1234 for one hour of oral argument. The petitions for writs of certiorari are granted limited to the following questions:

- 1) "Whether the \$100 fee upon vehicles conducting intrastate operations violates the Commerce Clause of the United States Constitution."
- 2) "Whether the \$100 fee upon vehicles operating solely in interstate commerce is preempted by 49 U.S.C. §14504."